

SCHOOL LANDS—RELATING TO PROSPECTING AND DEVELOPING MINERALS THEREON.

S. B. No. 128.]

CHAPTER 173.

An Act relating to prospecting and developing minerals on land owned by the State of Texas, by the public free school fund and University and Asylum funds, and upon such land as the State has heretofore sold or may hereafter sell with reservation of the mineral therein and upon such land as may have been purchased with the waiver of mineral rights; and also the prospecting and development of minerals in fresh water lakes and in islands, bays, marshes, reefs and salt water lakes; relating to the disposition of the minerals and mineral rights therein; authorizing the lease of such lands and the mineral rights therein; providing royalties and other compensation to be paid to the State therefor; appropriating to certain funds the proceeds arising from such development; authorizing the adoption of rules and regulations to carry out the provisions of this Act; providing penalties for violations of the provisions of this Act; prescribing terms upon which, and the method by which, access to mineral deposits may be acquired by condemnation or otherwise; repealing Chapter 1, Title 93, of the Revised Civil Statutes adopted in 1911, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. All public school, University, Asylum and the other public lands, fresh water lakes, islands, bays, marshes, reefs, and salt water lakes; belonging to the State of Texas, and all lands which may hereafter be so owned and all lands which have been heretofore sold or disposed of by the State of Texas, with a reservation of minerals or mineral rights therein, as well as all lands which may hereafter be sold with reservation of minerals or mineral rights therein, and lands purchased with relinquishment of the minerals therein, shall be included within the provisions of this Act and shall be open to mineral prospecting, mineral development and the lease of mineral rights therein in the manner herein provided. Only citizens of the United States and such other persons as have heretofore declared or shall hereafter declare their intention of becoming such shall be entitled to acquire any rights under this Act. It is declared to be the policy of the State to open all such lands to mineral prospecting and development on a system providing for the payment into the State Treasury to the credit of the permanent free school, University, Asylum or other funds, of certain rents and royalties upon the gross output of any minerals or mineral product thereon.

SEC. 2. Any person or association of persons, corporate or otherwise, desiring to obtain the right to prospect for and develop petroleum oil or natural gas that may be in any of the surveyed public free school land, University or Asylum or other public lands of the State, which may be unsold at the time such desire is made known as herein provided, or in any of said land which has heretofore been sold with the reservation of minerals therein to the public free school fund or other fund and such of said land as has heretofore been purchased with the relinquishment of the minerals therein by the purchaser, or in any of said land that may hereafter be sold with the reservation of minerals therein, also in any of the fresh water lakes owned by the State or public free school fund or other fund, and also in any of the islands, bays, marshes, reefs and salt water lakes, may do so under the regulations, terms and conditions of this Act, together with such rules and regula-

tions as may be adopted relative thereto and necessary for the execution of the purpose of this Act by the Commissioner of the General Land Office.

SEC. 3. One desiring to obtain the right to prospect for and develop petroleum oil or natural gas that may be in any of the surveyed lands mentioned herein shall first file with the clerk of the court of the county in which the area desired, or a portion thereof, is situated, or with the clerk of the county to which said county may be attached for judicial purposes, a separate application in writing for each tract applied for, designating the land in which he desires to acquire the aforesaid rights. No individual or corporation shall be awarded exceeding 1280 acres of the public lands the State for oil or gas development purposes, and no individual or corporation shall be awarded exceeding 200 acres for oil and gas development purposes within ten miles of any producing oil or gas well. The said 1280 acres in undeveloped territory, or the 200 acres within ten miles of any producing oil or gas well, may be in as many different tracts of land of fresh water lakes as the applicant may desire, provided the applicant correctly describes the land or fresh water lakes desired for development purposes. The lines of all tracts less than a whole survey shall conform to the exterior of the lines of the survey of which it may be a part, as nearly as practicable. The said clerk shall file and record the application or applications aforesaid and note the same on his register opposite the entry of the proper survey if surveyed or in his record book if unsurveyed, giving the time of filing, and the applicant shall file such application in the General Land Office together with one dollar as filing fees within thirty days after the date it was filed by the county clerk.

SEC. 4. One desiring to obtain the right to prospect for and develop petroleum oil or natural gas in any of the States' islands, salt water lakes, bays, marshes, reefs and fresh water lakes owned by the State, or in any of the unsurveyed public land, shall first file a separate written application for each tract applied for with the county surveyor of the county in which the area or a part of same may be situated or the county to which said county may be attached for surveying purposes giving a designation of the same sufficient to identify it. The surveyor shall immediately file and record same, giving time of such filing, and within ninety days thereafter he shall survey and deliver to the applicant the field notes and original application. Said papers, together with one dollar as filing fee, shall be filed in the in the General Land Office, within one hundred days after the application was filed with the county surveyor, and not thereafter. Locations and surveys under this Section shall not exceed 1280 acres in undeveloped territory and not exceeding 200 acres within ten miles of a producing gas or oil well. All locations and surveys under this Section shall, if practicable, be of regular form, but in every case the line or lines adjacent to other surveys shall conform to the lines of such adjacent surveys. If there are no adjacent surveys the surveyor shall connect such survey with some established survey on the main land.

SEC. 5. When the Commissioner receives an application, or application and field notes, as provided for in the two preceding sections, within the time required, together with the filing fee of one dollar, he shall

file same, and if, upon examination, said papers are found to be correct, and in compliance with this Act, and if the status of the area applied for is within the provisions herein, the applicant shall be entitled to the right to prospect for and develop the petroleum oil or natural gas that may be under the surface embraced in the application and field notes, and as evidence of such right the Commissioner shall issue to each applicant a permit after the applicant shall have complied with the conditions hereinafter imposed.

SEC. 6. Before the issuance of the permit provided for in the preceding section the applicant shall pay to the Commissioner of the General Land Office ten cents per acre for each acre embraced in the application and field notes. Thereupon a permit shall be issued to the applicant conferring upon him an exclusive right to prospect for and develop petroleum oil or natural gas within the designated area for a term not to exceed two years. Within thirty days after the expiration of the first year the owner of the permit shall pay another ten cents per acre as in the first instance. Upon the termination of the period for which the original permit was granted and the receipt of satisfactory evidence of the compliance with the conditions prescribed in Section 7 of this Act, and such compliance shall not have led to the discovery of petroleum oil or natural gas in commercial quantities, then the Commissioner may grant an extension of the permit for a term not to exceed one year upon the payment by the applicant or his successors in interest of an additional fee of twenty-five cents per acre. No extension, however, shall be granted unless satisfactory proof of an effort towards the development of the area included in the permit has been made in good faith and the expenditure of the sum required and duly submitted as set forth in Section 7 of this Act.

SEC. 7. Before the expiration of six months after the date of the permit the owner of said permit shall in good faith commence actual work necessary to the physical development of said area, and if petroleum oil or natural gas is not developed the owner or manager shall, on or before the thirty days after the expiration of twelve months from the date of the permit, file in the General Land Office a sworn statement supported by two disinterested, credible witnesses that such actual work was begun within the six months aforesaid, and that petroleum oil or natural gas has not been discovered in commercial quantities and that a bona fide effort to develop said was made during the six months preceding the filing of said statement during the two years covered by said permit the owner thereof shall expend not less than four thousand dollars in a bona fide effort for the development of such area, unless such area has sooner been developed or abandoned. The owner or manager shall, within thirty days after the expiration of the two years from the date of the permit, filed with the Commissioner of the General Land Office a sworn statement supported by two disinterested, credible witnesses that such bona fide effort for the development of the area has been made, stating in what condition, and showing the expenditure thereof. A failure to file either of the sworn statements herein provided for and within the time specified, or the filing of a statement untrue or false in material matters, or the failure to expend the sum named in a bona fide effort toward the development of the area or areas,

shall work a revocation of said permit and the termination of the rights of the owner. Such termination shall be endorsed by the Commissioner of the General Land Office, upon a duplicate copy of the permit retained in the General Land Office. Upon the termination of such permit the area shall again be subject to location by another than the forfeiting owner. The expenditure herein required for development purposes may be made upon one or more contiguous tracts embraced in a permit and shall be sufficient for the entire area embraced in one such permit. The amount herein required to be expended in development purposes shall be required on each and every non-contiguous area. A separate permit shall be issued for each non-contiguous area, but may contain an entire contiguous area of two or more adjacent tracts of land. An application may embrace contiguous portions of different tracts or surveys. An assignment by deed or other form of transfer and also a lien of any form may be executed upon any claim to any person, association of persons, corporate or otherwise, that may be qualified to obtain a permit or lease in the first instance; provided, that deed or other evidence of sale, assignment or lien shall be recorded in the county where the property or a part thereof is situated and shall be filed in the Land Office within sixty days after the date thereof, accompanied by a filing fee of one dollar. If such instrument shall not be filed in the Land Office within the time required such deed or evidence of transfer or evidence of lien shall not have the effect to convey the property nor shall the obligations incurred therein be enforceable.

SEC. 8. If at any time within the life of the permit one should develop petroleum oil or natural gas in commercial quantities the owner or manager shall file in the Land Office a statement of such development within thirty days thereafter, and thereupon the owner of the permit shall have the right to lease all or part of the area included in the permit upon the following conditions:

(1) An application and a first payment of \$2.00 per acre for a lease of the area included in a permit shall be made to the Commissioner of the General Land Office within thirty days after the discovery of petroleum oil or natural gas in commercial quantities.

(2) A lease may be granted for a period of ten years or such portion thereof as the applicant may desire and with the option of renewal or renewals for an equal or a shorter period upon the payment of a cash sum of \$2.00 per acre in advance on the entire area included in any lease and an equal sum annually in advance thereafter during the life of such lease, and in addition thereto the owner of such lease shall pay a sum of money equal to a royalty of one-eighth of the value of the gross production of petroleum oil.

(3) The owner of a permit shall not take, carry away or sell any petroleum oil or natural gas found in any area before such owner shall have obtained a lease therefor; provided, such owner may use for fuel such portion of said substances as may be necessary for the continued development of the area without accounting therefor. In addition to the \$2.00 per acre annually in advance, the owner of a gas well shall pay a sum of money equal to 10 per cent. of the meter output of all gas sold. The said royalty on petroleum oil, or natural gas, shall be paid to the Commissioner of the General Land Office monthly during

the life of the lease. In all such payments the owner or manager shall accompany the remittance with a sworn statement of the amount produced, and the market price of the output, and a copy of any pipe or pipe lines or tank receipt, check or memoranda of amount put out or into such lines or tanks. The books and accounts and the receipts and discharges of all lines, pipe lines or tanks and gas lines and gas pipes, and all other matters pertaining to the production, transportation and marketing of the output shall be open to the examination and inspection at all times by the Commissioner of the General Land Office or his representative or any other representative of the State. The value of any unpaid royalty or royalties and any sum or sums due to the State upon any lease contract shall become a prior lien upon all production of petroleum oil or natural gas produced upon the leased areas to secure the payment of any royalties and sums due the State.

SEC. 9. In the event any land or water included within the operation of this Act has heretofore been or may hereafter be sold by the State with the reservation of minerals therein, or has been purchased by one with the waiver of mineral rights, such land shall be subject to prospect and lease as set forth in this Act, but the owner of the permit or lease shall pay to the owner of the surface of the land twenty cents per acre per annum in advance during the life of the permit or lease and the first payment shall be paid to the Commissioner of the General Land Office, for the use of the owner of the surface, prior to the issuance of such permit, and said sum so paid to the owner of the surface rights shall be in full compensation for all damages to such surface by reason of the ingress and egress and operation necessary to development and the operation under the permit or lease; provided, that if the owner or lessee of the surface will not accept the payment of twenty cents per acre per annum as above provided, and the lessee of the mineral rights cannot agree with such owner or lessee of the surface rights on the compensation to be paid for the use of the damages to such surface rights, then the right thereto and the ingress and egress from such mine or mining claim may be acquired by condemnation as hereinafter provided.

SEC. 10. No person, association of persons, corporate or otherwise, shall hold or own at one time by permit or lease, direct or through assignment, nor hold or own a controlling interest in more than two sections of 640 acres each, more or less, of surveyed school land, University, Asylum or other public land, nor more than 1280 acres of islands, lakes, bays, marshes, reefs, or unsurveyed school, University or Asylum or other public land in any undeveloped field nor more than two hundred acres within ten miles of any producing oil or gas well.

SEC. 11. A person or association of persons, corporate or otherwise, applying for a permit or lease shall file with the application a sworn statement showing what interest, if any, the applicant or each of the members of the association or each stockholder in the corporation may hold in any other permit or lease issued by the State. When the Commissioner is satisfied that the applicant is entitled to such permit or lease he shall issue the permit for a term not to exceed two years, and the lease may be issued for such time as the applicant may elect, not to exceed ten years, with the right of a renewal or renewals upon such terms and conditions as hereinbefore provided. The permit or lease

shall contain the terms upon which it is issued and such other matters as the Commissioner may deem important to the rights of the State or applicant. Should a permit or lease be issued upon a statement by the applicant or applicants, or either of them which is false or untrue in any material fact, the Commissioner may cancel such permit or lease when sufficiently informed as to such false or untrue statements.

SEC. 12. Should the owner of a permit fail or refuse to proceed with reasonable diligence in a bona fide effort to develop an area included in such permit, the Commissioner of the General Land Office may cancel same. Should the holder of a lease fail or refuse to proceed with reasonable diligence and in a bona fide effort to develop, operate and put out the product of a producing well of petroleum oil or natural gas at any time during the life of a lease, the Commissioner of the General Land Office may cancel such lease contract. In the event of a cancellation of a permit or lease contract for the causes mentioned in this Section the area included therein shall be subject to the application of another than the forfeiting owner, in the same manner as in the first instance; provided, should a lease covering a producing well be cancelled an application for a lease of such area or part thereof may be made direct to said Commissioner, and a copy of such lease shall be filed in the office of the county clerk.

SEC. 13. *Coal and lignite.* All coal and lignite underlying the surface of the lands and waters, as defined by this Act, shall be subject to prospect and development under the following terms and conditions:

Any person, firm, or corporation desiring to prospect for coal and lignite shall file with the clerk of the county in which the land is situated his application covering not more than 2560 acres. Said application shall be made in the same manner and form as is required by other Sections of this Act, and permits shall be granted by the Commissioner of the General Land Office authorizing such prospect and development upon the following terms and conditions, subject to forfeiture for breach of any of said terms and conditions; said permit shall run for a period of twenty years with preference right of renewal to lessee for three months after the expiration thereof. Lessee shall, within sixty days after the granting of said permit, begin to prospect for coal and lignite, and shall, within ten months thereafter, sink a shaft 6 x 8 feet to coal or lignite, drive a tunnel in said coal or lignite, to a distance of twenty yards, and shall crib said shaft and prop said tunnel in strict conformity with specifications to be furnished by Mine Inspector of this State, and shall, within sixty days thereafter, begin to mine said coal or lignite, and shall continuously mine the same, provided same be situated within two miles of any railroad; but, if said coal or lignite be situated more than two miles from any railroad, then said lessee shall be allowed five years within which to begin to mine said coal and lignite; provided, that in the last named contingency the said five years shall not be reckoned as any part of the time covered by said lease. The royalty to be paid to the State, shall not be less than six cents per ton for coal and not less than four cents per ton for lignite, for each and every ton of two thousand pounds of said product sold. Said royalties shall be due and payable to the State monthly, and the same shall be accompanied by a sworn statement of the lessee showing the number of tons so mined as well as the number of tons sold; provided, further,

that the royalties herein provided shall, after the third year of operation of said mine, equal a minimum of \$4.00 per acre for each and every acre covered by said lease. Said mine shall be kept in continuous operation, barring strikes, lockouts, fires, floods and other accidents over which the lessee has no control; provided, further, that said lessee shall not be required to operate said mine at a time when the market price for said product is such as to cause same to be run at a loss to the lessee.

SEC. 14. *Other Minerals.* All other minerals and mineral rights that may be in the lands or waters included in Section 1, of this Act, shall be subject to prospect and development under the terms and conditions hereinafter stated.

SEC. 15. A mining claim upon deposits, veins or lodes of quartz or any other rocks, bearing silver, gold, cinnabar, lead, tin, iron, copper or any other metallic substance, may equal but shall not exceed 1500 feet in length and 600 feet in width; such claim may be of unlimited depth, but shall be bounded by four vertical planes. All claims shall be in the form of a parallelogram, unless such form is prevented by adjoining rights, and the locator shall be entitled to the use of all superficial area bounded by the enclosed lines of the claim and to all minerals therein upon the terms hereinafter provided. In all conflicts priority of location shall decide.

SEC. 16. The locator of any mining claim shall post up at the center of one of the end lines of the claim a written notice stating the name of the location and of the claim and date of posting and shall describe the claim by giving the number of feet in length and width and direction the claim lies in length from the notice, together with the section number, if known, and the county, and shall place stone or concrete markers at the four corners not less than three feet high and otherwise describe the corners so that they can be readily found. The notice shall be posted in a conspicuous place so that it can be easily seen.

SEC. 17. The locator shall, within three months after the date of posting the required notices, file with the county clerk of the county in which the land, or a part of the same, is situated, a copy of the notice provided for in Section 16 hereof, together with a recording fee of one dollar (\$1), and an affidavit that the locator has performed ten feet of work in the shape of tunnels, shaft or open cut on the claim, and within one year from the date of the posting of the original notice the locator shall file with the county surveyor of the county in which the land or a part thereof is situated, an application in writing for the survey of the claim, giving the name of the claim and such description of its boundary and location as will enable the surveyor to identify the land. The affidavit shall be accompanied by a fee of twenty dollars (\$20), unless its tender is waived, and also with an affidavit stating the kind of the claim; also, the date of the first posting of the notice on the claim by the applicant, and that the notice has not been post dated or its date changed. Upon receiving the application and affidavit and fee the surveyor, shall file the application and affidavit and shall forthwith proceed to survey the claim. After the field notes are recorded and a plot of the survey is made by the surveyor, which shall be within ninety days, he shall deliver the application and the affidavit, together with the field notes and plat, to the applicant or his agent, who shall forward the same within sixty days, to the Commissioner of the General Land

Office, together with one dollar (\$1.00) as a filing fee. The fee of twenty dollars (\$20) shall cover all charges by the surveyor in connection with any one claim.

SEC. 18. If any mining claim of any character shall be filed upon jointly by two or more claimants and any one or more of them shall fail to contribute his proportion of any expenses required in this Act within the necessary time the co-owner or co-owners who have paid the fees or other expenditures required by this Act may, at the expiration of the time in which the payment is required to be made and after the same has been made, give notice in writing to such defaulting co-owner, or if such defaulting co-owner cannot be found, then by publication in a newspaper published in the county where the claim is situated, or if no such newspaper be published in such county, then in the newspaper published nearest thereto at least once a week for four successive weeks. If, after such publication notice, such delinquent shall fail or refuse to contribute his proportion of the expenditures required, his interests in the claim shall cease and shall be forfeited to the co-owner or co-owners who have made the required expenditures. An affidavit of such co-owner or co-owners of the claim, accompanied with notices given, shall, when recorded in the office of the county clerk, be sufficient evidence of such delinquency and forfeiture.

SEC. 19. Claims usually called placers, including all forms of metallic deposits, excepting those described in Section 15, as well as any mining claim covering deposits of Kaolin, baryta, salt, marble, fire clay, gypsum, nitrates, mineral paints, asbestor, marl, natural cement, clay, onyx, mica, precious stones or any other non-metallic mineral and stones valuable for ornamental or building material shall be subject to location and entry and lease on the same terms and conditions and upon similar proceedings as are provided herein for vein or lode claims; provided, all placer claims located shall conform as nearly as practicable to existing surveys and their sub-divisions, and no placer claim shall include more than forty acres, and no aggregation of individual claims shall exceed three hundred and twenty acres. After the location of any mining claim and survey thereof and the registration thereof in the office of the General Land Commissioner, as hereinbefore provided, the locator shall be entitled to the exclusive uses and possession thereof so long as the locator shall continue to do the amount of work upon such claims equivalent to one hundred dollars (\$100) worth of labor per annum; provided, that an affidavit shall be filed before the expiration of each and every year, setting forth, in detail, the development work that has been done that year, with an itemized statement of the value thereof. Such statement shall be filed in the office of the Commissioner of the General Land Office, also in the office of the county clerk of the county where such mining claim is located, or the county to which such county is attached for judicial purposes. The Commissioner of the General Land Office may, at his discretion, require additional proof that such development work has been done.

SEC. 20. In full payment to the State for the right to take from any mining claim of any character described in Sections 15 and 19, any mineral wealth or deposit whatever, whether metallic or non-metallic, the owner or holder of such claim shall pay unto the State a royalty or rental equivalent to five per centum of the total gross output sold or dis-

posed or from such mine or mining claim of any character therein defined. If any locator shall fail to post the location notice or to file with the county clerk the location notice and affidavit, or shall fail to file with the county surveyor the application for survey and affidavit hereinbefore required, or shall fail to file with the Commissioner of the General Land Office the application, affidavit, file notice and plat hereinbefore required; or shall fail to comply with any of the terms or conditions herein required, such claim shall be subject to forfeiture by the Commissioner of the General Land Office by an endorsement upon such application theretofore filed of the word "Forfeited," signed officially by him, and thereupon all rights in such mining claim and rights of the locator or claimant in such mining claim shall utterly cease and determine and the same shall be subject to relocation; provided that the Commissioner of the General Land Office may, upon satisfactory showing to him why such conditions or requirements were not complied with, reinstate such claim upon the written request of one or more of the locators, claimants, or owners, filed in his office; provided, further, that no rights of any others have intervened at the date of filing of such request in the General Land Office. One interested in the claim at the date it was forfeited shall not be eligible to relocate or file upon the same land or in behalf of any other person within a period of six months next ensuing after such forfeiture, and any attempt to make such location by such person shall be wholly void.

SEC. 21. Any locator, claimant, or owner of any mining claim under this Act is authorized to fell and remove for building and mining purposes any timber or any trees growing or being upon any unoccupied public lands under such rules and regulations as the Commissioner of the General Land Office may, from time to time, provide for the protection of timber and other growth upon such lands and such other purposes.

SEC. 22. Nothing in this Act contained shall ever be construed to destroy, invalidate or impair any valid claim, right or interest existing in, to or concerning any lands whatsoever at the date of the passage of this Act, or of any pre-emptor, purchaser, claimant, settler, locator or any other person whatsoever.

SEC. 23. The locator or owner of a mining claim shall have the right to occupy within the limits of his claim so much of the surface ground as is strictly necessary for the use and exploitation of the mineral deposits and for the buildings and works necessary for mining operations and for the treating and smelting of the ore produced on such claims and to occupy within and without the limits of his claim the necessary land for right of way, for ingress and egress to and from his claim, for roadways, or railways: provided, that if the locator or owner of the mineral right cannot agree with the owner or lessee of the surface right in regard to the acquiring of same and in regard to the compensation for the injury incident to the opening and the working of such mine and the access thereto, he may apply to the judge of the county court of the county in which such mining claim is located by filing a written petition setting forth with a sufficient description the property and surface right sought to be taken and the purpose for which the same is to be

taken, and it shall be the duty of such county judge of such county to appoint three disinterested freeholders to examine, pass upon and determine the damages and compensation to be paid to the owner of such surface right or other property necessary to be taken, and the proceedings for acquiring or condemning such surface right or other property shall, at all times, so far as possible, be covered by the laws relating to the condemnation of rights of way for railway companies the locator or owner of such mining claim, occupying the position of the railway company, and an appeal may be taken from the decision of the commissioners upon the same terms and conditions and subject to the same regulations and qualifications prescribed by law for the condemnation of right of way for railways.

SEC. 24. Upon all lands of any character heretofore sold or leased by the State in which the minerals or mineral rights were reserved to the State, the public free school fund, University fund, asylum or other fund, the grantee or lessee, as the case may be, shall have the prior right for six months after date upon which this Act shall take effect to prospect, locate and apply for the mineral rights upon such land heretofore sold or leased to him, and after the expiration of such six months such preference or priority right shall cease and such grantee or lessee shall have no prior or preference rights over any other prospector or locator.

SEC. 25. The holder of a permit, a lease, a prospecting right, or any other right acquired under this Act may relinquish one or more of such permits, leases, claims or prospector's claims at any time by filing a relinquishment in the General Land Office after it is duly recorded by the clerk of the proper county, but such holder shall not be entitled to a refund of any sum paid thereon.

SEC. 26. The Commissioner of the General Land office shall collect and transmit to the State Treasurer all money derived from the development of any minerals or substance named herein and found on the public free school land or other public land, and it shall be credited to the permanent free school fund or other fund to which the land from which such money is derived is set apart. All money derived from the development of any mineral or substances named herein and found on other than public free school land, University or Asylum land, shall be credited to the game, fish and oyster fund for the use of that department. All fees shall be credited to the general revenue in the manner provided by law for other fees laid into the General Land Office.

SEC. 27. All development in water or on islands, marshes and reefs shall be done under such regulations as will prevent the pollution of the water and for the prevention of such pollution the Game, Fish and Oyster Commissioner may be called upon for assistance in the adoption and enforcement of rules and regulations for the protection of said waters. For a violation of such rules and regulations the Commissioner of the General Land Office may revoke a permit or cancel a lease.

SEC. 28. The rights acquired under this Act shall be subject to taxation as is other property after the owner shall have paid to the State the sums necessary to perfect his rights.

SEC. 29. The issuance of a permit or lease or the filing of a prospector's affidavit on unsold land included within this Act, shall not prevent the sale of the land without minerals on which such mineral or mining claim may be located under the laws applicable to such land, but

in case of such sale after an application has been filed with the county clerk so herein provided the purchaser of such land shall not be entitled to any part of the proceeds of such minerals or mining location nor other compensation, nor shall such purchaser have any action for damages done to such land by or resulting from the proper working of or operation under such permit, lease or prospector's claim.

SEC. 30. The Commissioner of the General Land Office shall have general supervision of all matters necessary for the proper administration of the purpose of this Act, and he is authorized to adopt rules regulations and to alter or amend them from time to time as may appear necessary for the protection of the interest involved and the execution of the purposes of this Act not inconsistent with its provisions and the Constitution of the State.

SEC. 31. No individual, firm, association of persons or corporations shall be entitled to locate or lease more than five mining claims of any character defined in Section 15 and 19 and any location or lease made contrary to this Section shall be void; provided, however, that upon coal or lignite mines or deposits any one individual, firms, association of persons or corporations shall be entitled to locate or lease a total area not to exceed twenty-five hundred and sixty (\$2560) acres.

SEC. 32. If any provision of this bill shall be held to be unconstitutional either as applied to any character of land or water described in Section 1 or in any other respect, such decision shall not be construed to invalidate the the provision of this Act with regard to any other character of land of [or] waters described in Section 1 or any other provision of this Act.

SEC. 33. Chapter 1, Title 93, of the Revised Civil Statutes of 1911, relating to mines and mining and all other laws and parts of laws relating to the sale of minerals land are hereby repealed.

SEC. 34. The fact that there is no adequate statute by which the mineral resources of this State can be properly developed on the public lands, and the waters of the State creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days in each House should be suspended, and that this should be placed upon its third reading and final passage and take effect from and after its passage.

[NOTE.—S. B. No. 128 passed the Senate by a two-thirds vote, yeas 23, nays 4, and Senate concurred in House amendments by a two-thirds vote, yeas 24, nays 0; and passed the House of Representatives with amendments March 31, 1913, but no vote given.]

Approved April 9, 1913.

Takes effect 90 days after adjournment.